

UNITED STATES DISTRICT COURT

SEALED

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

Joshua Russell,

Defendant

CRIMINAL COMPLAINT

CASE NUMBER: 22-5576mJ

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

Count 1

On or about August 2, 2022, in the District of Arizona and elsewhere, JOSHUA RUSSELL, for the purpose of issuing a threat to injure and kill another person and with knowledge that the communication would be viewed as a threat to injure and kill another person, knowingly transmitted in interstate commerce a communication containing a true threat to injure and kill another person by stating the following in a voicemail telephone message left on the desk phone voicemail of an official with the Arizona Secretary of State's Office: "This message is for traitor [VICTIM-1's full name] . . . You're the enemy of the United States, you're a traitor to this country, and you better put your sh[inaudible], your f***ing affairs in order, 'cause your days [inaudible] are extremely numbered. America's coming for you, and you will pay with your life, you communist f***ing traitor bitch," in violation of Title 18, United States Code, Section 875(c).

Count 2

On or about September 9, 2022, in the District of Arizona and elsewhere, JOSHUA RUSSELL, for the purpose of issuing a threat to injure and kill another person and with knowledge that the communication would be viewed as a threat to injure and kill another person, knowingly transmitted in interstate commerce a communication containing a true threat to injure and kill another person by stating the following in a voicemail telephone message left on the voicemail system the Arizona Secretary of State's Office: "This message is for terrorist [VICTIM-1's last name]. The only reason you're still walking around on this planet is because we're waiting for the midterms to see you prosecuted for the crimes you have done to our nation. You are a terrorist. You are a derelict criminal. And you have a

few short months to see yourself behind bars, or we will see you to the grave. You are a traitor to this nation, and you will suffer the f***ing consequences," in violation of Title 18, United States Code, Section 875(c).

Count 3

On or about November 15, 2022, in the District of Arizona and elsewhere, JOSHUA RUSSELL, for the purpose of issuing a threat to injure and kill another person and with knowledge that the communication would be viewed as a threat to injure and kill another person, knowingly transmitted in interstate commerce a communication containing a true threat to injure and kill another person by stating the following in a voicemail telephone message left on the voicemail system the Arizona Secretary of State's Office: "This message is for communist, criminal, [VICTIM-1's full name]... A war is coming for you. The entire nation is coming for you. And we will stop, at no end, until you are in the ground. You're a traitor to this nation. You're a f***ing piece of sh** communist, and you just signed your own death warrant. Get your affairs in order, cause, your days are very short," in violation of Title 18, United States Code, Section 875(c).

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein.

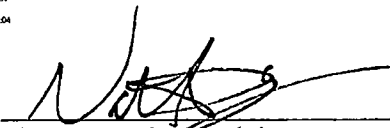
Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

AUTHORIZED BY: Sean K. Lokey, AUSA Digitally signed by SEAN K. LOKEY
DN: cn=SEAN K. LOKEY, o=DOJ, ou=ASAC, email=sean.lokey@doj.gov

Nathaniel D. Gena, Special Agent, FBI
Name of Complainant

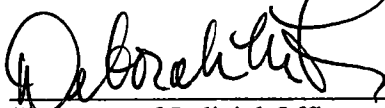

Signature of Complainant

Sworn to me telephonically and signed

December 9, 2022 at 1:36 pm
Date

Phoenix, Arizona
City and State

HONORABLE DEBORAH M. FINE
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

STATEMENT OF PROBABLE CAUSE

I, Nathaniel D. Gena, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the Phoenix Field Office. As such, I am an investigative or law enforcement agent of the United States authorized under Title 18, United States Code, Section 3052, that is, an officer of the United States who is empowered by law to conduct investigations, to make arrests, and to collect evidence for various violations of federal law. I have been employed as a Special Agent of the FBI since September 2008.

2. I am currently assigned to the FBI Phoenix Field Office's public corruption and civil rights squad. During my tenure with the FBI, I have participated in investigations involving threats made using telephones and electronic media, to include threats made via email. I have participated in all aspects of investigations including executing search warrants involving, among other things, the search and seizure of cellular phones, computer equipment, software, and electronically stored information. Through my experience and training, I have become familiar with activities of individuals engaged in illegal activities, to include their techniques, methods, language, and terms. During my career, my investigations have included the use of various surveillance techniques and the execution of numerous search and seizure warrants, including for computers and cellular telephones, and arrest warrants.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. I have reviewed documents and records related to this investigation, and I have communicated with others who have personal knowledge of the events and circumstances described herein. This Affidavit is

intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant. It does not set forth all of my knowledge, or the knowledge of others, about this matter.

4. Based on my training and experience and the facts as set forth in this Affidavit, I submit that there is probable cause to believe that Joshua Russell ("RUSSELL") has committed violations of 18 U.S.C. § 875(c), Interstate Threats.

PROBABLE CAUSE

5. The FBI is investigating threats made over interstate communications, specifically threatening voicemail messages sent to the Arizona Secretary of State's Office. The investigation concerns violations of, *inter alia*, 18 U.S.C. § 875(c), Interstate Threats, involving threatening communications made on multiple occasions including August 2, 2022, September 9, 2022, and November 15, 2022 to an official with the Arizona Secretary of State's Office (VICTIM-1).

Threats to VICTIM-1 from Phone Number 567-409-5498

6. On August 2, 2022, the day of the Primary Election in Arizona, the desk phone of an official with the Arizona Secretary of State's Office (VICTIM-1) received a call, which went to voicemail, from phone number 567-409-5498. Arizona Secretary of State's Office employees reviewed the message and reported it to law enforcement, including the FBI Phoenix Field Office.

7. The August 2, 2022 voicemail message from 567-409-5498 contained the following statements: "This message is for traitor [VICTIM-1's full name]. You've drug your feet, you've done nothing, to protect our election for 2020. You're committing election fraud, you're starting to do it again, from day one. You're the enemy of the United States, you're a traitor to this country, and you better put your sh[inaudible], your fucking affairs in order, 'cause your

days [inaudible] are extremely numbered. America's coming for you, and you will pay with your life, you communist fucking traitor bitch."

8. According to information provided by Tracfone Wireless, phone number 567-409-5498 was first activated on March 1, 2020. This information also indicated that the phone number was associated with a Samsung Galaxy A10e, with an International Mobility Equipment Identity (IMEI) of 357855103966749. The phone number is associated with a profile address that is listed as Bucyrus, OH 44820, with a date of birth of February [XX], 1978. Tracfone did not provide the subscriber's name in its records.

9. According to information provided by Google LLC, IMEI 357855103966749 is associated with the Google account death4pelosi@gmail.com, account ID 535872340925. The phone number 567-409-5498 is listed as the SMS recovery phone number for death4pelosi@gmail.com. The account was created on July 22, 2022. The subscriber's name was listed as "REVOLUTION NOW."

10. Data provided by Verizon Wireless shows that the call made on August 2, 2022 by 567-409-5498 was serviced by a cell tower located near Bucyrus, Ohio.

11. Additional call detail records provided by Verizon Wireless show that 567-409-5498 also placed additional calls to telephone numbers belonging to the Arizona Secretary of State's Office, specifically one call on September 9, 2022, and multiple calls on September 20, 2022. The Arizona Secretary of State's Office provided investigators with a voicemail from 567-409-5498 sent to a phone number used by the Arizona Secretary of State's Office, recorded on September 9, 2022.

12. The September 9, 2022 voicemail message from 567-409-5498 contained the following statements: "This message is for terrorist [VICTIM-1's last name]. The only reason you're still walking around on this planet is because we're waiting for the midterms to see you prosecuted for the crimes you have done to our nation. You are a terrorist. You are a derelict criminal. And you have a few short months to see yourself behind bars, or we will see you to the grave. You are a traitor to this nation, and you will suffer the fucking consequences."

13. Pursuant to legal process, Tracfone provided the specific seller and date of purchase for the device associated with phone number 567-409-5498. The seller provided a purchase receipt containing the debit card used to purchase the device associated with TARGET PHONE NUMBER 1. The debit card and associated bank accounts have been determined to belong to a Joshua Russell of Bucyrus, Ohio, date of birth, February [XX], 1978 (the same date of birth provided by Tracfone Wireless listed above at Paragraph 8).

Additional Recent Threat to VICTIM-1 from Phone Number 419-569-2269, a Phone with the Same IMEI as the Phone for the Earlier Threats

14. On November 15, 2022, the Arizona Secretary of State's Office received a call from phone number 419-569-2269, which also went to voicemail. Based on open source research, your affiant understands that the "567" and "419" area codes are associated with the Northwest Ohio region, including the town of Bucyrus, Ohio, and that Verizon is the service provider for 419-569-2269. Arizona Secretary of State's Office employees reviewed the message and reported it to law enforcement, including the FBI Phoenix Field Office.

15. The November 15, 2022 voicemail message from 419-569-2269 contained the following statements: "This message is for communist, criminal, [VICTIM-1's full name]. We will not endure your crimes on America another day. You've been busted, over and over again.

We will not wait for you to be drugged through court. A war is coming for you. The entire nation is coming for you. And we will stop, at no end, until you are in the ground. You're a traitor to this nation. You're a fucking piece of shit communist, and you just signed your own death warrant. Get your affairs in order, cause, your days are very short."

16. On November 17, 2022, the Arizona Department of Public Safety obtained and served a search warrant for the cell site location data of phone number 419-569-2269 for a period of time on November 15, 2022. Data provided by Verizon Wireless shows that the call made on November 15, 2022 by 419-569-2269 was serviced by a cell tower located near Galion, Ohio. Based on open source information, your affiant understands that Galion, Ohio and Bucyrus, Ohio are located approximately 12 miles apart.

17. Based on information obtained by Verizon, the phone number that was used to make the August 2 and September 9 threats (567-409-5498) was activated on July 22, 2022, and deactivated on October 22, 2022. The phone number that was used to make the November 15 threat (419-569-2269) was activated on October 22, 2022, and remained active. Verizon's records show both phone numbers were associated with the same IMEI 357855103966749, meaning both phone numbers were used on the same device.

18. I have reviewed the audio of the August 2, 2022, September 9, 2022, and November 15, 2022, voicemail messages. I believe that the caller from all three voicemails is likely the same individual based on similar sounding voice, similar phrases used, and the locations from which the calls were made.

December 8, 2022 Attempted Interview of RUSSELL and Seizure of Phone Used for Threats

19. On December 1, 2022, a tracking warrant was obtained in the District of Arizona for the second phone number (419-569-2269). Information from the tracking warrant showed that this phone number had communication sessions with cell towers as recently as December 8, 2022. These interactions were with towers located near Bucyrus and Galion, Ohio. Periodically provided location updates from Verizon also placed the phone in the Bucyrus and Galion area as recently as December 8, 2022.

20. On December 6, 2022, FBI obtained federal search warrants signed by a United States Magistrate Judge from the Northern District of Ohio to search RUSSELL's residence, vehicle and person for RUSSELL's phone, with IMEI 357855103966749, and to thereafter search that phone.

21. On December 8, 2022, FBI agents attempted to interview RUSSELL at his residence on Dudley Street in Bucyrus, Ohio, after the tracking warrant showed phone number (419-569-2269) to be located in the area of his residence. When agents approached the residence, agents knocked on the door and made contact with RUSSELL. RUSSELL opened the door halfway, but kept an outer screen door closed. An FBI agent identified himself to RUSSELL as an FBI Special Agent and began asking RUSSELL questions regarding his phone number and if he had any connections to Arizona. RUSSELL refused to answer and closed his door. Agents on scene formed a perimeter around RUSSELL's residence and then announced that they had a search warrant and that RUSSELL needed to exit his residence. Attempts were also made to call RUSSELL on his phone, however the calls were never answered. After repeated attempts at contacting and informing RUSSELL that agents had a search warrant, RUSSELL, who had

become belligerent, still refused to come out and stayed in the residence for a period of approximately 15-20 minutes. During this time, FBI deployed a flash bang device. Agents left a copy of the search warrant on the front porch. RUSSELL retrieved this search warrant. RUSSELL then re-entered house, exited the house with his hands up and a phone in one hand. RUSSELL was handcuffed and taken to a police car. A law enforcement clear of the house was executed. RUSSELL voluntarily spoke to agents, both outside, and back in his residence. Throughout the time that agents spoke to him, RUSSELL maintained his belligerent demeanor, including after agents informed him that they were going to seize and search his phone, when he shouted at the agents and called the agents names. I believe from speaking with an agent who spoke with RUSSELL during the above events, and from listening to the August 2, 2022, September 9, 2022, and November 15, 2022 voicemail messages, that the caller from all three voicemails is RUSSELL.

22. The phone agents seized from RUSSELL was a Samsung phone. FBI has confirmed that this phone has IMEI 357855103966749, the same IMEI for the device from which the above three threatening phone calls were made to VICTIM-1 on August 2, September 9, and November 15, 2022, from two different phone numbers, 567-409-5498 and 419-569-2269.

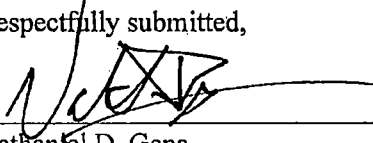
23. We request a night-time exception to execute the arrest warrant on the residence of RUSSELL. Based on the phone data we obtained, we believe that RUSSELL regularly leaves his residence for work before 6 a.m. ET.

CONCLUSION

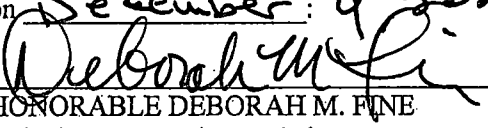
24. For these reasons, I submit that there is probable cause to believe that on August 2, 2022, September 9, 2022, and November 15, 2022, RUSSELL, did knowingly transmit in interstate commerce, with intent to threaten, voice messages containing threats to injure and kill (VICTIM-

1), an official with the Arizona Secretary of State's Office, in violation of 18 U.S.C. § 875(c),
Interstate Threats.

Respectfully submitted,



Nathaniel D. Gena
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me telephonically
on December: 9 2022 at 1:36pm


HONORABLE DEBORAH M. FINE
United States Magistrate Judge